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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,337

Applicant(s)

MAGENDANZ ET AL.

Examiner

Peng Ke

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 0306.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 2/03/06.

This action is made Final.

Claims 1- 27 are pending in this application. Claims 1, 14, and 27 are independent claims. In amendment filed on 2/03/05, claims 14 and 27 were amended.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton et al., U.S. Patent No. 6,469,714 in view of Berry et al. U.S. Patent No. 4,789,962.

As per claim 14, Buxton teaches a computer system for providing a selection for formatting properties for an electronic document associated with an application program having a user interface comprising:

A memory for storing a property browser program module; (column 3, lines 45-65) and

A processing unit functionally coupled to the memory for executing computer executable instruction operable for:

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Determining a formatting property for an electronic document associated with the application program, wherein the formatting property has at least one control; (see Buxton, column 2, lines 61-67)

Determining a context for the electronic document; (see Buxton, column 7, lines 59-64)

Creating a customized palette with the formatting property including at least control and further based upon the context of the electronic document; (see Buxton column 2, lines 61-67 and column 8, lines 30-35) and

Sending the palette to a user interface associated with the application program for display adjacent to a viewing content area occupied by the electronic document. (figure 3A, items 300 and 320)

However Buxton fails to teach the palette and an activated associated content of the palette does not obscure the viewing content area occupied by the electronic document.

Berry teaches a palette and an activated associated content of the palette that does not obscure the viewing content area occupied by the electronic document. (column 4, lines 1-35, column 4, lines 58-67)

It would have been obvious to an artisan at the time of the invention to include Berry's teaching with the method Buxton in order reduce the potential for error.

As per claim 15, which is dependent on claim 1, Buxton, and Berry teach the method of claim 14 (see rejection above).

Buxton further teaches determining a change in the status of the property or the context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the context of the electronic document, modifying the palette to reflect the change in the property or the change in the context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is displayed in conjunction with the electronic document on the user interface (see Buxton, figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 16, which is dependent on claim 14, Buxton and Berry teach the method of claim 14 (see rejection above). Buxton further teaches sizing the palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 17, which is dependent on claim 15, Buxton and Berry teach the method of claim 15 (see rejection above).

Buxton further teaches sizing the modified palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 18, which is dependent on claim 14, Buxton and Berry teach the method of claim 14 (see rejection above).

Buxton further teaches coordinating the palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and displaying the predefined interface in conjunction with the palette and the electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 19, which is dependent on claim 15, Buxton and Berry teach the method of claim 15 (see rejection above).

Buxton further teaches coordinating the modified palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the modified palette and the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58).

As per claim 20, which is dependent on claim 14, Buxton and Berry teach the method of claim 14 (see rejection above).

Buxton further teaches that the context of the electronic document consists of at least one of the following:

textual content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 21, which is dependent on claim 14, Buxton and Berry teach the method of claim 14 (see rejection above).

Buxton further teaches that the property consists of one of the following: a formatting command, an application program command, or an electronic document characteristic (see Buxton, column 7, lines 29 – 44).

As per claim 22, which is dependent on claim 18, Buxton and Berry teach the method of claim 18 (see rejection above).

Buxton further teaches that the user interface comprises a graphical user interface for an application program (see Buxton, column 7, lines 1 – 7).

As per claim 23, which is dependent on claim 18, Buxton and Berry teach the method of claim 18 (see rejection above).

Buxton further teaches wherein the user interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 24, which is dependent on claim 18, Buxton and Berry teach the method of claim 18 (see rejection above).

Buxton further teaches wherein the user interface comprises a property browser palette window (see Buxton, column 2, lines 47 – 53).

As per claim 25, which is dependent on claim 18, Buxton and Berry teach the method of claim 5 (see rejection above).

Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 26, which is dependent on claim 19, Buxton and Berry teach the method of claim 6 (see rejection above).

Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 27, it is of similar scope to the combination of claims 14, 15, 17, 18 and 22 and is rejected under the same rationale as claims 14, 15, 17, 18 and 22 (see rejections above).

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton et al., U.S. Patent No. 6,469,714 in view of Berry et al. U.S. Patent No. 4,789,962 in view of Grossman et al. U.S. Patent No. 5,82,440.

As per claim 1, Buxton et al. (hereinafter referred to as "Buxton") teach a method for providing a selection of properties for an electronic document associated with an application program comprising the steps:

determining a context for the electronic document (see Buxton, column 2, lines 61 – 67)

determining a status of a property for the electronic document (see Buxton, column 7, lines 59 – 64)

based upon the context of the electronic document and the status of the property, creating a customized palette for the user interface so that the palette comprises a control for an available property (see Buxton column 2, lines 61 – 67 and column 8, lines 30 – 36); and

displaying the palette in conjunction with the electronic document on the user interface such that said palette and an associated content of the palette does not obscure viewing of said electronic document (see Buxton, figures 3A – D and column 6, lines 59 – 67; it is apparent that action bar 322 does not obscure the electronic document 300).

However, Buxton fails to teach that an activated associated content of the palette does not obscure viewing of said electronic document.

Berry et al. teaches that an activated associated content of the palette that does not obscure viewing of said electronic document. (column 4, lines 1-35, column 4, lines 58-67)

It would have been obvious to an artisan at the time of the invention to include Berry's teaching with method Buxton in order reduce the potential for error.

However, both Buxton and Berry fail to teach displaying only the controls that are available.

Grossman teaches displaying only the icons that are active. (col.9, lines 60-66)

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It would have been obvious to an artisan at the time of the invention to include Grossman's teaching with method of Buxton and Berry in order increase system resource or space on the user's desktop.

As per claim 2, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches determining a change in the status of the property or the context of the electronic document (see Buxton, column 8, lines 20 – 25);

based upon the change of the property or the change in the property or the change in the context of the electronic document,

modifying the palette to reflect the change in the property or the change in the context of the electronic document (see Buxton, column 8, lines 20 – 25); and

replacing the palette with the modified palette so that the modified palette is displayed in conjunction with the electronic document on the user interface (see Buxton, figure 3A, items 300 and 320 and column 8, lines 20 – 25).

As per claim 3, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches sizing the palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 4, which is dependent on claim 2, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches sizing the modified palette so that the palette and the electronic document can be simultaneously viewed (see Buxton, figure 3A, items 300 and 320 and column 9, lines 55 – 67).

As per claim 5, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches coordinating the palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the palette and the electronic document (see Buxton figure 3A, items 300 and 320).

As per claim 6, which is dependent on claim 2, Buxton, Berry, and Grossman teach the method of claim 2 (see rejection above). Buxton further teaches coordinating the modified palette with a predefined interface so that the palette and the predefined interface provide consistent control features (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58); and

displaying the predefined interface in conjunction with the modified palette and the electronic document (see Buxton figure 2, figure 3A, items 300 and 320 and column 6, lines 43 – 58).

As per claim 7, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches that the context of the electronic document consists of at least one of the following: textual content, formatting content, or graphical content (see Buxton, column 8, lines 30 – 36).

As per claim 8, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches that the property consists of one of the following: a formatting command, an application program command, or an electronic document characteristic (see Buxton, column 7, lines 29 – 44).

As per claim 9, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches that the user interface comprises a graphical user interface for an application program (see Buxton, column 7, lines 1 – 7).

As per claim 10, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches wherein the user interface comprises a floating palette (see Buxton, column 7, lines 17 – 20).

As per claim 11, which is dependent on claim 1, Buxton, Berry, and Grossman teach the method of claim 1 (see rejection above). Buxton further teaches wherein the

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user interface comprises a property browser palette window (see Buxton, column 2, lines 47 – 53).

As per claim 12, which is dependent on claim 5, Buxton, Berry, and Grossman teach the method of claim 5 (see rejection above). Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

As per claim 13, which is dependent on claim 6, Buxton, Berry, and Grossman teach the method of claim 6 (see rejection above). Buxton further teaches wherein the predefined interface comprises a toolbar (see Buxton, column 7, lines 1 – 7).

Response to Argument

Applicant's arguments with respect to Hamilton have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's argument:

1) The combination of Buxton and Grossman fails to teach the palette comprises a control only for an available property.

Examiner's Answer:

1) The combination of Buxton and Grossman teaches this limitation because the examiner is replacing Buxton's method of treating a non-active icon with that of Grossman and not Buxton's method of determining a non-active icon. Both Buxton and Grossman determine whether an icon is active, and if it were not, Buxton would dim the display of icon while

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Grossman would delete the icon from the screen. (Buxton, column 7, lines 59-67; Grossman, column 9, lines 45-column 10, lines) Therefore, by combining Buxton's method of determining a non-active icon with Grossman's method of deleting the non-active icon, only the icons for an available property would be displayed on a palette.

Applicant's arguments with respect to claims 14-27 have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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